

Exhibit C

May 10, 2024 Expert Report
Disclosures Cover Letter



U.S. Department of Justice

Environment and Natural Resources Division

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May 10, 2024

BY ELECTRONIC MAIL ONLY

Ryan Walters, Chief
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Re: *United States v. Abbott* (W.D. Tex. No. 23-cv-853) – United States’ expert report disclosures

Dear Counsel:

Pursuant to the Federal Rule of Civil Procedure 26(a)(2)(B) and the March 5, 2024 Scheduling Order (ECF 97) in this case, Plaintiff the United States of America hereby discloses the written reports of the four experts it previously identified by letter dated May 3, 2024. These are: (1) Adrian Cortez; (2) Dr. Benjamin Johnson; (3) Timothy L. MacAllister; and (4) Capt. John C. Timmel.

Each report includes all disclosures required by Rule 26(a)(2)(B), including: (i) a complete statement of all opinions the witness will express and the basis and reasons for them; (ii) identification of the facts or data considered by the witness in forming opinions; (iii) identification of any exhibits that will be used to summarize or support those opinions; (iv) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and (v) a statement of any compensation to be paid for the study and testimony in the case.

In order to deliver the reports to Texas by today’s date, we will upload them to Adrian Skinner’s box.com account, as their cumulative file size would make it difficult to email them.

Much of the considered data identified in the experts’ reports is publicly or equally available to Texas (*e.g.*, citations to academic literature and websites); was previously filed in this case (*e.g.*, exhibits submitted during the preliminary injunction hearing last August); or was recently produced to Texas (*i.e.*, the documents produced recently in this case by Cochrane Global). There is no obligation to produce (or produce again) these materials, as they are identified in the reports.

The remaining considered data, and copies of any identified exhibits that were not embedded in the reports, will be produced following the procedures the Parties agreed to when negotiating the Discovery Protective Order that the Court entered today. *See* ECF 117.¹ We aim to complete that production by Tuesday, May 14, 2024. We will also include copies of the reports in that production. The production will be Bates-numbered.

Because Mr. Cortez's available deposition dates are the earliest on the calendar (May 21 or 22, 2024), we will include in today's box.com upload a courtesy production of his considered data, which includes 5 spreadsheets that he used to make calculations in his report. These will be provided in native format per the Parties' agreement. In addition, Dr. Johnson's report is accompanied by production of non- or less-publicly available primary sources that may be used as exhibits to support his testimony, which also will be part of today's box.com upload. Today's production will not be Bates-numbered, but will be included as part of the complete, Bates-numbered production on Tuesday.

Best regards,

/s/ Brian H. Lynk

Brian H. Lynk
Environmental Defense Section

cc: All counsel of record (via email)

¹ Per the Parties' agreement, the provisions on production remain an out-of-court stipulation separate from ECF 117.